

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re No. 13-53846
CITY OF DETROIT, MICHIGAN, Chapter 9
Debtor. HON. STEVEN W. RHODES

EXHIBIT 72

**APPELLEE STATE OF MICHIGAN'S DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

In connection with Notice of Appeal filed by
William M. Davis and DAREA [Dkt. #8369].

Item	Date Filed	Docket Number	Description
72	8/18/2014	6868	Motion to Object to the 5th Amendment Plan of Adjustment Confirmation filed by Creditor Paulette Brown

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT
SOUTHERN DIVISION

FILED (1)

2014 AUG 18 P 4:09

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

Chapter 9
Case #13-53846
Judge Steven W. Rhodes

Paulette Brown
Creditor/objection

V.

In re: City of Detroit, Michigan and
Emergency Manager Kevin Orr
Debtor/City of Detroit

Motion to Object to the 5th Amendment Plan of Adjustment Confirmation

Now comes Paulette Brown, creditor/objection, and In support of her I objection, states a as I follows:

I am an experienced election official and have participated in the election process for the City of Detroit Election Commission for over 30 years. Elections are to be run in a way that is fair to all parties involved. It would be improper and illegal for an entity conducting an election process to attempt to influence voters through campaign materials or other propaganda actually included with or connected to the allegedly impartial balloting process. An advantage cannot be given by the entity running the election. When absentee ballots were/are sent out in the mail to voters in the city of Detroit, The Election Commission did not include campaign literature urging voters to vote for a particular candidate or a particular proposal.

The election process is supposed to be strictly neutral and/or unbiased the process used in connection with the voting on the bankruptcy plan of adjustment was not, The package containing the ballots included printed materials, e.g. letters, along with my ballot, urging me to approve the plan. There was nothing included in the ballot package urging me to reject the plan. In all fairness, each side should have had their recommendations heard. The balloting process appeared rigged to sway pensioners to vote to approve the plan.



Retirees were led to believe that there was only had one plan to accept or reject, however there were two alternatives plans listed on the ballot. This made the ballot confusing and difficult to understand exactly what you were voting for.

In my opinion the ballot listed the Emergency Manager's plan to vote on and the ostensible alternate plan to frighten and intimidate retirees into voting for the plan favored by the Emergency Manager. This was not fair. It was designed to confuse and bully the voting retirees into accepting the plan. It was akin to someone putting a gun to your head and saying, "If you take me to your bank, I'll only take half of your money, and you can't call the police," or "I can just shoot you in the head and take it all," your choice. Well, I think most people would choose to stay alive. However, the alternative plan was not really "The Plan," it was a prediction. Normally, a proposal, or in this case, "The Plan" is stated on the ballot and you vote yes (Accept), or no (Reject). There are no alternatives, just other proposals. Wherefore it does not meet USC 1129 a (3), therefore the Plan of Adjustment should not be confirmed.

Additionally, Class 11 contains two groups of GRS pensioners, those with an ASF account, and those without. Those with an ASF account stand to lose up to 20% of their pensions, plus no cost of living (COLA), while those without an ASF account stand to lose 4.5% of their pensions, plus COLA. The City's plan proposes less favorable treatment for the pensioners with an ASF account than the pensioners without an ASF account, and gave them the opportunity to vote on something that does not pertain to them or affect them monetarily. This is unfair and inequitable.

1997 Amendment "In the event that more than one plan of reorganization is to be voted upon, the form of ballot will need to be adapted to permit holders of claims or equity interests (a) to accept or reject each plan being proposed, and (b) to indicate preferences among the competing plans. See section 1129 (c)"

Moreover, many retirees never received a ballot, got multiple ballots, or received incorrect ballots, non-delivered ballots.

The ballot was divided into two separate pages, one to record your vote and another page for your signature. The ballots had your name, last four digits of your social security numbers, making it possible to identify, individuals who voted "No"/REJECT the Plan of Adjustment which caused fear of retaliation and intimidation. Therefore the process was flawed, unfair, unjust and not equitable.

That is certainly evidence that the ballot and voting process was flawed at best and raises many questions about the validity of this process.

Wherefore it does not meet USC 1129 a (3), therefore the Plan of Adjustment should not be confirmed.

II. The proposed evidence is not duplicative of other evidence and no one in Class 11 has made this argument exclusively.

III. Witnesses:

Evelyn Smith
Belinda A. Meyer-Florence

I reserve the right to amend the witness list as may be necessary

IV. Time 15-30 minutes

V. Exhibits:

Multiple Ballots –
Erroneous Ballots
Emails

Letter from GRS stating you can vote again

The plan was not present in good faith and should not be confirmed.

Respectfully Submitted,

Paulette Brown

Paulette Brown
Creditor/Retiree

19260 Lancashire
Detroit, Mi 48223

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

FILED 08/18/14

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IN RE:

City of Detroit

Debtor.

U.S. BANKRUPTCY COURT
CASE NO: 13-53846
CHAPTER: Chapter 9

CERTIFICATE OF SERVICE

I hereby certify that on 8/18/14 (date of mailing), I served copies as follows:

1. Document(s) served:

Motion to Object to 5th Amended Plan
of Adjustment and All Corrections.

2. Served upon [name and address of each person served]:

David Heiman
Jones Day
901 Lakeside Ave
Cleveland, Ohio 44114

3. By First Class Mail.

Dated: 8/18/2014

Yvonne Williams Jones
(Signature)

Print Name: Yvonne Williams Jones